

**REGULAR BOARD MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY ON
WEDNESDAY, JANUARY 19, 2022 at 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Personnel Technician Barbara Schwenzfeier
Town Attorney Herbert Cully
Cheryl A. Jassak-Huther, Town Clerk
Highway Superintendent Richard Sherman
Booker keeper to Supervisor – Deanna Spina

ABSENT: Deputy Town Supervisor Anthony J. Trevisani

Thereafter a quorum was declared present for the transaction of business.

I. JANUARY 3, 2022 BOARD MEETING MINUTES

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 30 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the meeting minutes for the January 3, 2022 Town Board Meeting.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

II. PUBLIC PRESENTATION /COMMENTS:

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- a. **Joseph Hobika** in attendance (with his client) in regards to 8640 & 8644 Seneca Turnpike – The Codes Department has received numerous complaints regarding the condition of this property located on Clinton Road and Seneca Turnpike. Registered and regular letter sent to owners on July 7, 2021 with a Stop Work Order; another registered and regular letter sent on January 10, 2022 regarding the violations – signed receipts received – violations still exist; Joseph Hobika – client bought property back in March (2021) - spoke about the situation and get a reasonable amount of time to come up with a plan for demolition or rehab of the buildings; Councilman Messa – asked about a reasonable timeframe; Mr. Hobika’s client responded that Mike Ritter (contractor) gave a price to knock down – has one quote – one building to knock down, one have an engineer to go through it to make a decision – asked Board if knows of any other contractors that are available; Debris has been cleaned up; Councilman Reynolds – property has been an eye sore for years – recent storms have made a bad situation worse, in some cases, dangerous; The client said he will be tearing down the bigger building (the house) and rehab the Seneca Turnpike side building; Supervisor Miscione – March or April – guys were taking stuff out, throwing in dumpster and Town got calls and being done without an asbestos report – moving forward, an asbestos report needs to be done first, regardless if demo or renovate; Client has a bid with the contractor – has the permit, insurance, asbestos, tear down, etc.; Supervisor Miscione – by next meeting, have the bids, pick one ‘this guy is going to do it this date’ – at least we will have a definite date when things will happen; Joseph Hobika – we will agree to that – and then, have someone send us a list of others you have used to demo buildings; for the other building – will have to go to the Planning Board/Zoning Board; Feb. 9th – we will be at the next meeting with a game plan and a contract to show; Lary Gell – keep the Codes Office informed, even before the next meeting; Dory Shaw gave the Board an update as well – *8640 & 8644 Seneca Turnpike: numerous complaints regarding the condition of this property located on Clinton Road and Seneca Turnpike. Registered and regular letter sent to owner on July 7, 2021 with a Stop Work Order; another registered and regular letter sent on January 10, 2022 regarding violations – signed receipts received – violations still exist*
- b. **Community Power Group** – Whitney Hughes and Amberli Young – presented before to the Board and discussed the project – Whitney sent a packet to the Board to review (panels, location, etc.) – Solar – request to move forward with the Planning Board

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 31 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby deem the location appropriate under our Code and allows Community Power Group to proceed to the Planning Board.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

III. HIGHWAY SUPERINTENDENT RICHARD SHERMAN

- a. Milling and Repaving of Root Street – Multi Modal Program Project – got through Assemblyman Brian Miller - \$50,000 – application goes to Comptroller to get the contract and money.

Councilman Woodland introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 32 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby accept the Multi Modal Program Project for Milling and Repaving of Root Street.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

IV. CODES DEPARTMENT – Lary Gell –presented the Board with a list with updates on outstanding Codes Projects as of January 18, 2022

- a. **2 Mapledale Road** - 2 Mapledale Road (David Sisti): United Contractors secured a Demo Permit to demolish this structure but is waiting for NYS approval to demolish this structure. We are in contact with Mr. Phil Cittadino of United Contractors for updates. NATIONAL GRID HAS YET TO DISCONNECT SERVICE. WE HAVE CONTACTED NATIONAL GRID FOR ASSISTANCE AND AS OF THIS DATE, NO ACTION HAS BEEN TAKEN BY THEM. UNITED CONTRACTORS IS READY TO TAKE THE BUILDING DOWN AS SOON AS NATIONAL GRID DISCONNECTS.
- b. **17 Medford Place** (Phoroth Chun Kim): CODES HAS SENT A FOLLOW UP LETTER ON JANUARY 7, 2022 (REGISTERED & REGULAR MAIL) TO MR. KIM EXPLAINING OUR OFFICE WILL ASK THE TOWN BOARD TO TAKE CORRECTIVE ACTIONS NEEDED – MR. KIM HAS NOT SIGNED FOR THE REGISTERED LETTER AND THE REGULAR LETTER HAS NOT COME BACK; Taxes are up to date as of 2021, not paid for 2022 yet; Town Attorney Herbert Cully – requested the written report and if the Board wants, he can initiate an action, based upon Lary’s report; Lary Gell – it is an unsafe structure do to the fire

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

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(RESOLUTION NO. 33 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for Town Attorney Herbert Cully to initiate an action on 17 Medford Place.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- c. **9364 Elm Street** (Edgardo Santiago): REGISTERED AND REGULAR LETTER MAILED TO MR. SANTIAGO ON JANUARY 7, 2022 – BOTH ENVELOPES HAVE COME BACK TO CODES AS UNFORWARDABLE. CHECKING OTHER AVENUES TO LOCATE HIM; Lary Gell will get the written report to Town Attorney Herbert Cully; unsafe structure

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 34 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for Town Attorney Herbert Cully to initiate an action on 9364 Elm Street.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- d. **11 Center Terrace** (Janet Marsh): Rebecca Marsh, daughter, contacted Dory and she is in the process of transferring the property into her name. She will notify Dory, etc. what she plans to do with the property, sell, demolish or whatever. Dory explained that there are always people inquiring about vacant properties and she will let us know but not until the property is in her name, which should be shortly. Her telephone number is 802-578-4061 or rmarsh802@gmail.com DORY SENT AN EMAIL TO MS. MARSH ON JANUARY 12, 2022 ASKING FOR AN UPDATE. THE PROPERTY HAS STILL NOT TRANSFERRED INTO THE DAUGHTER'S NAME – MS. MARSH STATED THAT HER MOTHER IS TALKING WITH SOMEONE WHO IS INTERESTED IN PURCHASING THE PROPERTY. MS. MARSH WILL KEEP US UPDATED; there is

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a swimming pool and its unsafe, could be dangerous if a child walks on the cover; contact the daughter – tells us how to get in touch with the mother; Lary Gell - there are potential buyers – water has been shut off; Town Attorney Herbert Cully – pursue the daughters to see where the mother is –if not, can proceed with an order from the Court authorizing us to publish a notice of the summons and complaint, that would give us jurisdiction over her.

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 35 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for Town Attorney Herbert Cully to proceed with an order from the Court authorizing us to publish a notice of the summons and complaint for 11 Center Terrace.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- e. **19 Larchmont Drive** (Barbara Kucinski & Occupant): numerous violations, rubbish, trash, vehicles, etc. - another Summons was issued and the court date is Thursday, January 6, 2022 at 2:30 PM. MS. KICINSKI APPEARED IN COURT AND WAS FINED. TOWN ATTORNEY HERBERT CULLY HAD MS. KICINSKI AND OCCUPANT SERVED A NOTICE OF PUBLIC NUISANCE WHICH COULD RESULT IN A FINE OF \$1,000 PER WEEK UNTIL ALL DEBRIS IS REMOVED AND AWARDED LEGAL FEES. AS OF THIS DATE, THE PROPERTY IS STILL IN VIOLATION; Town Attorney – we noticed her that we are going to proceed on 1/7/2022 – *‘Please be advised that I will address the Town Board of the Town Board of the Town of New Hartford at the Town Board meeting on January 19, 2022 at 6:00 P.M. at the Town Hall, 8635 Clinton Street, New Hartford, New York to proceed with an action in Oneida County Supreme Court to declare the above property to constitute a NUISANCE pursuant to Chapter 86 of the New Hartford Town Code and seek all available remedies to include removal of all property/unregistered vehicle outside said property; a fine of \$1,000.00 per week until all debris is removed and awarding legal fees.’*;

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 36 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for Town Attorney Herbert Cully to proceed with an action in Oneida County Supreme Court to declare the above property to constitute a

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NUISANCE pursuant to Chapter 86 of the New Hartford Town Code and seek all available remedies to include removal of all property/unregistered vehicle outside said property; a fine of \$1,000.00 per week until all debris is removed and awarding legal fees for 19 Larchmont Drive, New Hartford, New York.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- f. 3403 ONEIDA STREET (GARY PULEO OWNER OF PROPERTY AT 3403 ONEIDA STREET, CHADWICKS, NY). COURT HELD ON DECEMBER 9, 2021. MR. PULEO AND RENTER NOTIFIED TO CLEAN UP THE PROPERTY AS THERE IS A JUNK YARD, VEHICLES PARKED ON AREAS OTHER THAN A DRIVEWAY, AND EXTERIOR STORAGE OF JUNK. COURT TO BE HELD AGAIN ON JANUARY 20, 2022. CODES OFFICER GELL PERIODICALLY CHECKING FOR COMPLIANCE

V. SUPERVISOR MISCIONE

a. TRANSFERS

- i. PROPERTY TAXES – Transfer \$355.00 from account A1990.40 to A1620.42

Councilman Woodland introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 37 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for the transfer of \$355.00 from account A1990.40 to A1620.42.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- ii. New Floor Sweeper – decrease Contractual A6772.40 by \$4,000.00 and increase equipment A1620.20 by \$4,000.00

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Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 38 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for the transfer of \$4,000.00 from account A6772.40 to A1620.20.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- iii. Created a new account – DB27734 – Disaster Recovery Funds – that got through FEMA Grant - \$85,310.00

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 39 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for Supervisor Miscione to put the \$85,310.00 into the new account, DB27734 (Disaster Recovery Funds).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- iv. Take out \$48,500 from DB27734 and increase the Highway Department Equipment DB5130.20

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 40 OF 2022)

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RESOLVED, that the New Hartford Town Board does hereby approve for the transfer of \$48,500 from DB27734 to DB5130.20.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

- v. Buck Apartments – Sewer Credits – they purchased 129 sewer credits and only used 99 sewer credits; called the County and whatever was not used we have to reimburse – they are due 30 sewer credits.

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 41 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for the reimbursement of 30 sewer credits to Buck Apartments that were not used.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

VI. COUNCILMAN LENART – Appointment for Police Advisory Committee – Joseph Chiffy

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 42 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for the appointment of Joseph Chiffy to the Police Advisory Committee effective immediately expiring on December 31, 2026.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye

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Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

VII. COUNCILMAN MESSA

- a. Status update on additional insurance coverage for highway trucks – Highway Superintendent Richard Sherman contacted Jennifer at Gates Cole – she did come up with the amounts and came out to \$3,542,00.00 – added January 3, 2022 but can be taken back off
- b. Deer Crossing Signs – signs are up
- c. Status update on easements for Twyndom and Roman Road retention ponds – Supervisor Miscione – owners accepted the deal – have to do the paperwork with Town Attorney
- d. Status update on law for new building development – Town Attorney Herbert Cully is still working on it
- e. Status update on plans for Town Board Room – reconfiguration of room – Supervisor Miscione – the IT company is working on it – working on how to purchase used equipment (meaning was ordered but customer didn't use) – IT would like to have a meeting this week
- f. Stormwater – back on track next month with updates
- g. Governor discussed term limits for state elected officials – check into other municipalities on how they do it

VIII. SUPERVISOR MISCIONE

- a. Mohawk Valley Water Authority – the Town of New Hartford is now the appointing authority for this Upper Mohawk Valley Regional Finance Authority Board seat – the Town of Whitestown appointee term is up – Town Attorney Herbert Cully will take a look at the letter and get back to the Board
- b. Jiffy Lube Bond – return of the Bond

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 43 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for the return of the BOND to Jiffy Lube (New Hartford).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

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The Resolutions were unanimously carried and duly *ADOPTED*.

- c. Ice Control Agreement – New York Mills School District

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 44 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for Supervisor Miscione to sign the Ice Control Agreement with New York Mills School District.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

- d. Union Contract – Met with Brian McCormick – they voted on it – they get their raise, not on top of their salary year to year, just get their raise

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 45 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to update the letter of clarification between the Town of New Hartford and Teamsters Local 294 Article V, Section 3(d).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

IX. TOWN ATTORNEY HERBERT CULLY

- a. Adult Use Cannabis Retail Dispensaries Local Law – set a Public Hearing for March 9, 2022.

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Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 46 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve for a Public Hearing on March 9, 2022 in regards to Adult Use Cannabis Retail Dispensaries.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

X. VOUCHERS

Councilman Reynolds introduced the following Resolution for adoption and duly seconded by Councilman Woodland:

(RESOLUTION NO. 47 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to pay the vouchers.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly **ADOPTED**.

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Councilman Messa and seconded Councilman Reynolds, the meeting was adjourned at 7:28 P.M.

(RESOLUTION NO. 48 OF 2022)

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

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Supervisor Miscione - Aye.

The Resolutions were unanimously carried and duly *ADOPTED*.

Respectfully submitted,

Cheryl Jassak-Huther

Town Clerk

1/22/2022